

Appln. No.: 10/707,775
Docket No.: 140525/GEM-0093

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REMARKS / ARGUMENTS

At the outset, Applicant notes Claims 7, 8 and 20, along with allowed Claims 21 and 22, have not been rejected for prior art reasons. Accordingly, this amendment serves to place the application in condition for allowance by amending the claims to include only subject matter not rejected for prior art reasons, which includes Claims 7, 8 and 20 in addition to allowed Claims 21 and 22.

Status of the Claims

Claims 1-4, 7-9, 11-18, and 20-22 are pending. Claims 21 and 22 are allowed. Claims 1-4, 7-9 and 11-18 stand rejected. Applicant notes that Claim 20 appears not to have been addressed. Applicant has cancelled Claims 1-6 and 9-19, and has amended Claims 7 and 20, leaving Claims 7, 8 and 20-22 for consideration. Applicant respectfully requests reconsideration of the claims in view of following remarks.

These amendments and accompanying remarks were not presented earlier because Applicant did not fully appreciate the nature of the Examiner's position until the Applicant was advised in more detail of the position by the Advisory Action. The claim amendments presented herein, which Applicant respectfully requests entry thereof, should require only a cursory review by the Examiner as they include only elements presented in earlier examined and allowed claims.

Rejections Under 35 U.S.C. §112, first paragraph

Claims 1-4, 7-9 and 11-18 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, and as failing to comply with the written description requirement. More specifically, the Office Action considers the phrases "the portion of the plastic cord not having a non-plastic member attached thereto", and "the plastic tube not having a non-plastic member attached thereto across the chest of the person", to lack support from the original disclosure.

Applicant has cancelled Claims 1-6 and 9-19, and has amended Claim 7 to remove the above-noted language in question.

In view of the foregoing and amendments presented herein, Applicant submits that the pending Claims comply with all requirements under 35 U.S.C. §112, first paragraph, and

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therefore respectfully requests reconsideration and withdrawal of these rejections, which Applicant considers to be traversed.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 6, 9 and 14 stand rejected under 35 U.S.C. § 103(a) based on Ariav et al. (U.S. Patent Publication No. 2006/0087325, hereinafter Ariav), in view of Bowers (U.S. Patent No. 5,207,230, hereinafter Bowers).

Claims 4, 5, 10, 11, 17 and 18 stand rejected under 35 U.S.C. § 103(a) based on Ariav in view of Bowers, and in further view of Zomer (U.S. Patent No. 5,235,989, hereinafter Zomer).

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) based on Ariav in view of Bowers and further in view of Rasche et al. (U.S. Patent No. 6,865,248, hereinafter Rasche), and in further view of Sontag et al. (U.S. Patent No. 6,298,260, hereinafter Sontag).

Applicant traverses these rejections for the following reasons.

Applicant has cancelled Claims 1-6 and 9-19, thereby rendering all rejections under 35 U.S.C. §103(a) moot. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be moot and/or traversed.

More specifically, Applicant has amended the Claims to rewrite Claims 7 and 20 in independent form including all limitations of the base claim and any intervening claim. Claim 8 depends from Claim 7. Claims 21 and 22 stand allowed. In view of Claims 7 and 20 not being rejected for prior art reasons, Applicant respectfully submits that all pending claims are now allowable, and respectfully requests notice thereof.

By amending and/or canceling one or more claims from further consideration in this application, Applicant is not conceding in this application that any claim prior to amendment and/or cancellation is not patentable over the art cited by the Examiner, as the present claim amendments and/or cancellations are only for the purpose of facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. In view thereof, Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

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If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any remaining issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 07-0845.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully Submitted,
CANTOR COLBURN LLP

By /David Arnold/
David Arnold
Registration No. 48,894
PTO Customer No. 23413

Address: 20 Church Street, 22nd Floor, Hartford, CT 06103
Telephone: (860) 286-2929
Fax: (860) 286-0115